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ATTORNEY GENERAL OF NEW JERSEY

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Newark, New Jersey 07101

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NEW JERSEY  
CEMETERY BOARD  
JAN 10 2002

**FILED**

*Susan A. Kestner*

State of New Jersey  
Department of Law and Public Safety  
Division of Consumer Affairs  
Cemetery Board

IN THE MATTER OF

HARSIMUS JERSEY CITY CEMETERY

Certificate of Authority  
Number 220

Administrative Action

FINAL ORDER OF  
DISCIPLINE

This matter was opened to the New Jersey Cemetery Board following review of information in the Board's files which resulted in the issuance of a Provisional Order of Discipline regarding Harsimus Jersey City Cemetery's failure to file reports and provide proof of payments into the Maintenance and Preservation Fund for fiscal years 1991 through 1998. Harsimus Jersey City Cemetery responded to the Provisional Order by submitting the delinquent reports and required fees, and by asking the Board to consider its financial condition in assessing penalties. The Board has reviewed the cemetery's submission and now makes the following findings of fact and conclusions of law:

### FINDINGS OF FACT

1. Respondent, Harsimus Jersey City Cemetery, has held Certificate of Authority Number 220 issued by the Cemetery Board on September 18, 1972 pursuant to N.J.S.A. 8A:3-9. Respondent has been a New Jersey Cemetery Company at all times relevant to this matter and is not a municipality.

2. Pursuant to N.J.S.A. 8A: 4-5, cemetery companies must make certain deposits into the Cemetery's Maintenance and Preservation Fund based on income generated by sales of lots or graves, and deposits based on resales of lots or graves, number of interments, and size of foundations installed.

3. Pursuant to N.J.S.A. 8A:4-12, each cemetery company that is not a municipality must file an annual report with the Board showing the extent and augmentation of the Maintenance and Preservation Fund for its fiscal year not later than 120 days after the close of its fiscal year.

4. A review of the Board's files demonstrates that as of the date of filing of the Provisional Order of Discipline, the last annual Maintenance and Preservation Fund report was filed on December 20, 1990 for fiscal year 1990.

5. Harsimus Jersey City Cemetery has now filed reports for fiscal years 1991 through 1998 and has paid required fees.

CONCLUSIONS OF LAW

The failure to file an annual reports with the New Jersey Cemetery Board and/or the failure to deposit statutorily required sums into the Maintenance and Preservation Fund provide grounds for discipline pursuant to N.J.S.A. 45:1-21 (h). Respondent has now filed the required reports and has, through its submission, persuaded the Board that the penalty proposed by the Provisional Order of Discipline would pose a hardship to the cemetery in light of its limited income. As such, the Board will modify the penalty to \$100.00.

ACCORDINGLY, IT IS ON THIS 10th DAY OF JANUARY, 2002,

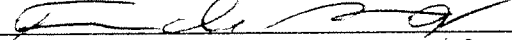
ORDERED that:

1. Harsimus Jersey City Cemetery shall cease and desist from failing to file its annual Maintenance and Preservation Fund report within 120 days of the close of its fiscal year and from failing to make all statutorily required deposits into the Maintenance and Preservation Fund.

3. Harsimus Jersey City Cemetery shall pay a civil penalty of \$100.00, by certified check or money order payable to the State of New Jersey and forwarded to Susan H. Gartland, Executive

Director, New Jersey Cemetery Board, P.O. Box 45036, Newark, New  
Jersey, 07101.

NEW JERSEY STATE CEMETERY BOARD

By:   
Frank J. DeGeeter, President

0500124325



**Hudson City Savings Bank**  
351 WEST MAIN STREET (ROUTE 1537)  
FREEHOLD, N. J. 07728

42934

55-7231/2212

DATE 02-05-2002

PAY TO THE  
ORDER OF

\*\*\*\*\*STATE OF NEW JERSEY\*\*\*\*\*

\*\$\*\*\*\*\$100.00

**\*\*100 DOLLARS AND 00 CENTS\*\***



DOLLARS

*This document has a colored background, Copy Shield, Foil Guard, and a backside authentic watermark; absence of these features will indicate a copy.*

AUTHORIZED SIGNATURES

**CASHIER'S CHECK**

*Legna Glori*

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CA# 220

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